

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:

Cecil Linberg Yates and Kissie Yates

a/k/a Kissie Samuel

S.S. Nos.: xxx-xx-6534 and xxx-xx-8750

Mailing Address: 1415 Bacon Street, Durham, NC 27707-

Case No. 10-81871

Debtors.

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on October 14, 2010.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: October 28, 2010

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s John T. Orcutt

John T. Orcutt
N.C. State Bar No. 10212
Counsel for the Debtors
6616-203 Six Forks Rd.
Raleigh, N.C. 27615
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

**CH. 13 PLAN - DEBTS SHEET
(MIDDLE DISTRICT - DESARDI VERSION)**

RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

Retain	Creditor Name	Sch D #	Description of Collateral

ARREARAGE CLAIMS

Retain	Creditor Name	Sch D #	Arrearage Amount	(See †)
				**
				**
				**
				**
				**
	1st DOT-Household Finance	1	\$7,893	**
	Durham Co. Tax Collector	1	\$375	**
				**
				**

LID - DOL ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS

Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	1st DOT-Household Finance	1	\$1,116	N/A	n/a	\$1,116.00	House and Land
	Durham Co. Tax Collector	1	\$31	N/A	n/a	\$31.00	House and Land
				N/A	n/a		
				N/A	n/a		

STD - SECURED DEBTS a - FMV

Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Mazda American		\$0	5.00		\$0.00	Judgment
				5.00			
				5.00			
				5.00			

STD - SECURED DEBTS a - 100%

Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Westlake -910	7	\$12,010	5.00	\$101	\$246.29	2007 Nissan Altima
	Household Finance	1	\$16,515	5.00	\$165	\$338.68	House and Land
				5.00			
				5.00			
				5.00			

ATTORNEY FEE (Unpaid part)

Amount
Law Offices of John T. Orcutt, P.C. \$2,800

SECURED TAXES

Secured Amt
IRS Tax Liens

Real Property Taxes on Retained Realty

UNSECURED PRIORITY DEBTS

Amount
IRS Taxes

State Taxes

Personal Property Taxes

Alimony or Child Support Arrearage

CO-SIGN PROTECT (Pay 100%) Int. % Payoff Amt

All Co-Sign Protect Debts (See*)

GENERAL NON-PRIORITY UNSECURED

Amount**
DMI= None(\$0) None(\$0)

Other Miscellaneous Provisions

Plan to allow for 3 "waivers". Interest on EAE at fed. judgment rate

Date:	9/22/10
Lastname-SS#:	Yates-6534

SURRENDER COLLATERAL

Creditor Name	Description of Collateral

REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral

PROPOSED CHAPTER 13 PLAN PAYMENT

\$ **1,982** per month for **60** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **2.31** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

* May include up to 2 post-petition payments.

* Co-sign protect on all debts so designated on the filed schedules.

** = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan_MD_(DeSardi Version 1/12/10) © LOJTO

CERTIFICATE OF SERVICE

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

All the creditors set forth on the mailing matrix filing in this case.

/s Kaelyn McCollum

Kaelyn McCollum

North Carolina Department of Revenue
c/o NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629

US Attorney's Office (ED)**
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461

John T. Orcutt
6616-203 Six Forks Road
Raleigh, NC 27615

Employment Security Commission
Attn: Benefit Payment Control
Post Office Box 26504
Raleigh, NC 27611-6504

Absolute Collection Service **
421 Fayetteville Street Mall
Suite 600
Raleigh, NC 27601

Mazda American Credit**
Customer Service
Post Office Box 542000
Omaha, NE 68154-8000

Credit Bureau
Post Office Box 26140
Greensboro, NC 27402

American Coradius International LLC
6341 Inducon Drive East
Sanborn, NY 14132-9097

Shapiro & Ingle, LLP, Attorneys
8520 Cliff Cameron Drive
Suite 300
Charlotte, NC 28269

NC Child Support
Centralized Collections
Post Office Box 900006
Raleigh, NC 27675-9006

Beneficial
PO Box 3425
Buffalo, NY 14240

Smith Debnam Narron Drake Sai
& Myers, L.L.P
P.O. Box 26268
Raleigh, NC 27611

Equifax Information Systems LLC
P.O. Box 740241
Atlanta, GA 30374-0241

Citifinancial ***
Bankruptcy Dept.
Post Office Box 140489
Irving, TX 75014-0489

Time Warner Cable
Attn: Collections
2505 Atlantic Avenue
Raleigh, NC 27604

Experian
P.O. Box 2002
Allen, TX 75013-2002

Credit Bureau of Greensboro**
Post Office Box 26140
Greensboro, NC 27402-0040

Westlake Financial Services
Post Office Box 54807
Los Angeles, CA 90054-0807

Trans Union Corporation
P.O. Box 2000
Crum Lynne, PA 19022-2000

Durham County Tax Collector
Post Office Box 3397
Durham, NC 27701

ChexSystems
Attn: Consumer Relations
7805 Hudson Road, Ste. 100
Woodbury, MN 55125

Grady I. Ingle or Elizabeth B. Ells
Substitute Trustee
10130 Perimeter Parkway, Ste 400
Charlotte, NC 28216

Internal Revenue Service (ED)**
Post Office Box 21126
Philadelphia, PA 19114-0326

HFC
Post Office Box 8873
Virginia Beach, VA 23450-8873